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12 **UNITED STATES DISTRICT COURT**
13
14 **CENTRAL DISTRICT OF CALIFORNIA**
15
16 **WESTERN DIVISION**

17 MEIJER, INC. and MEIJER
18 DISTRIBUTION, INC., on behalf of
19 themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 UNIMED PHARMACEUTICALS, INC.;
23 SOLVAY PHARMACEUTICALS, INC.;
24 WATSON PHARMACEUTICALS, INC.;
25 PAR PHARMACEUTICALS, INC.; and
PADDOCK LABORATORIES, INC.,

Defendants.

Case No. CV 09-00215 MRP
(PLAx)

**DEFENDANTS PAR
PHARMACEUTICAL
COMPANIES, INC. AND
PADDOCK LABORATORIES,
INC.'S MEMORANDUM IN
SUPPORT OF MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Date: May 11, 2009
Time: 10:00 a.m.
Judge: Hon. Mariana R. Pfaelzer
Room: Courtroom 12

ARGUMENT

2 Defendants Par Pharmaceutical Companies, Inc. (“Par”) and Paddock
3 Laboratories, Inc. (“Paddock”) respectfully move this Court for an Order
4 dismissing with prejudice each of the claims for relief asserted against Par and
5 Paddock by Plaintiffs Meijer, Inc. and Meijer Distribution, Inc. (the “Plaintiffs”).
6 This litigation follows on from the related case of *Federal Trade Commission v.*
7 *Watson Pharmaceuticals, Inc.*, Civ. No. 09-00598 MRP (PLAx) (“Case No. 09-
8 00598”), filed by Plaintiffs Federal Trade Commission and the State of California
9 (collectively, the “Government Plaintiffs”), pending before this Court, and to a
10 large degree this complaint and the complaints in *Louisiana Wholesale Drug Co., Inc. v. Unimed Pharm., Inc.*, Civ. No. 09-00228, and *Rochester Drug Cooperative, Inc. v. Unimed Pharm., Inc.*, Civ. No. 09-00226, (the “Related Cases”)
11 mirror the allegations in the Federal Trade Commission complaint.
12
13

14 For the reasons set forth in the attached "Appendix," which includes the
15 Memorandum of Points and Authorities in Support of Motion to Dismiss Plaintiffs'
16 First Amended Complaint filed in Case No. 09-00598 on April 6, 2009, the
17 accompanying Declaration of Eric Grannon, all related exhibits, and the bases for
18 dismissal detailed in the motions to dismiss filed by Par/Paddock's co-Defendants,
19 Solvay and Watson, Defendants Par and Paddock respectfully request this Court to
20 dismiss all claims against them with prejudice.

CONCLUSION

For the foregoing reasons, the Court should dismiss all claims asserted against Defendants Par and Paddock with prejudice.

Dated: April 6, 2009

Respectfully submitted,

By

Eric Grannon

Eric Gramian

Matthew P. Lewis

Thomas J. Benedict

WHITE & CASE LLP

Attorneys for Defendants

Par Pharmaceutical Companies, Inc. &
Paddock Laboratories, Inc.